

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CYCLE-CRAFT CO., INC. d/b/a	)	
BOSTON HARLEY-DAVIDSON/BUELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 04 11402 NMG
HARLEY-DAVIDSON MOTOR COMPANY, INC.	)	
and BUELL DISTRIBUTION COMPANY, LLC,	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO AMEND THE SCHEDULING ORDER**

Plaintiff Cycle-Craft co., Inc. d/b/a Boston Harley-Davidson/Buell (“Cycle-Craft”) and Defendants Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC (collectively “Harley-Davidson”) jointly move this Court to amend the current scheduling order with regard to briefing the issue of whether a jury trial is permissible in this case. Cycle-Craft intends to move to amend its Complaint in accordance with the current scheduling order – by October 31, 2004. As the Amended Complaint could potentially impact the issue of whether a jury trial is permissible, the Parties request the Court to order the following amended schedule: Harley-Davidson may file a Motion to Strike the Jury Demand in the Amended Complaint by December 6, 2004; Cycle-Craft may oppose within 30 days thereafter (January 6, 2005); and Harley-Davidson may file a reply, if needed, within 15 days thereafter (January 21, 2005). As reason therefore, the Parties state as follows:

1. On September 30, 2004, this Court conducted a scheduling hearing. Cycle-Craft had requested a jury trial and the Court inquired whether a jury trial was permissible in this case.

The Court requested the Parties to brief the issue and submit such briefs to the Court within ten days.

2. The Parties thereafter agreed that additional time was required to properly brief this issue, and the Court granted their motion to extend the deadline for filing briefs concerning the jury issue until November 1, 2004.

3. Cycle-Craft intends to move to amend its Complaint by October 31, 2004, in accordance with the Court's order of September 30, 2004.

4. The Parties agree that it makes sense to defer briefing the jury trial issue until after the Amended Complaint has been filed and reviewed by Harley-Davidson.

5. If, after review of the Amended Complaint, Harley-Davidson's position remains that Cycle-Craft is not entitled to a jury trial, Harley-Davidson can move to strike the jury demand in the Amended Complaint by December 6, 2004, Cycle-Craft may oppose within 30 days thereafter (January 6, 2005) and Harley-Davidson can reply, if needed, within 15 days thereafter (January 21, 2005).

6. This new briefing schedule regarding the jury trial issue will not impact the schedule of this case.

WHEREFORE, the Parties respectfully request that this Court order a new briefing schedule as follows:

Harley-Davidson's Motion to Strike Amended Complaint	December 6, 2004
Cycle-Craft's Opposition to Motion to Strike	January 6, 2005
Harley-Davidson's Reply to Cycle-Craft's Opposition to Motion to Strike	January 21, 2005

**Cycle-Craft Co., Inc. d/b/a  
Boston Harley-Davidson/Buell**

By their attorneys,

/s/ Angela Buchanan Smagula

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**Harley-Davidson Motor Company, Inc.,  
and Buell Distribution Company, LLC**

By their attorneys,

/s/ Sabita Singh

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Dated: October 26, 2004